

**Hilo, Hawaii  
Tuesday, January 17, 2006**

**The regular meeting of the Civil Service Commission, County of Hawaii, was held in the conference room of the Department of Civil Service, 101 Pauahi Street, Suite 2, Hilo, Hawaii, on Tuesday, January 17, 2006.**

**Present:**

**Mr. Clifford Kaminaka, Vice Chair  
Ms. Kaliko Chun, Member  
Mr. Joel Cohen, Member  
Mr. Michael R. Ben, Director of Personnel  
Mr. Michael J. Udovic, Deputy Corporation Counsel  
Ms. Velma Y. Menezes, Secretary-Reporter**

**Absent:**

**Ms. Jeanne Yagi, Chairperson**

**Vice Chair Kaminaka called the meeting to order at 9:45 a.m.**

**MINUTES OF SEPTEMBER 12, 2005, OCTOBER 18, 2005,  
NOVEMBER 15, 2005, AND DECEMBER 13, 2005**

**MOTION: Ms. Chun moved that the minutes of September 12, 2005, October 18, 2005, November 15, 2005, and December 13, 2005 be approved as circulated. The motion was seconded by Mr. Cohen and unanimously carried.**

## **COMMUNICATIONS**

**Communication No. 06-01, dated December 28, 2005, from Lincoln S.T. Ashida, Corporation Counsel, transmitting the Attorney/Secretary Assignments for the Office of the Corporation Counsel effective January 1, 2006.**

**MOTION: Mr. Cohen moved to receive and file Communication No. 06-01. The motion was seconded by Ms. Chun and unanimously carried.**

## **UNFINISHED BUSINESS**

**A) Elect Chair and Vice Chair for Calendar Year 2006.**

**MOTION: Mr. Cohen nominated Mr. Kaminaka as Chair. The motion was seconded by Ms. Chun.**

**Mr. Kaminaka responded that he was honored, but has to decline because of caregiving duties, which require him to travel to Honolulu every other week.**

**Ms. Chun asked Mr. Kaminaka whether he would continue to serve as Vice Chair, and Mr. Kaminaka responded in the affirmative.**

**MOTION: Mr. Cohen moved that Mr. Kaminaka serve as Vice Chair.**

**Ms. Chun suggested alternating the responsibility of chairing meetings.**

**Mr. Cohen thought it was an excellent idea and would give the alternate an opportunity for experience while spreading the wealth to more people.**

**The motion would be that the Commission have the flexibility of leading the meetings among any of the Commissioners and still**

**retain the actual position of Chair and Vice Chair. If the Chair and Vice Chair were both unavailable, they could still have a meeting with a quorum.**

**Ms. Chun asked whether another alternative could be to have Mr. Kaminaka now as acting Chair and have an acting Vice Chair to him. Then they could alternate with the acting Chair and the acting Vice Chair to chair the meeting.**

**Mr. Udovic advised that while the Commission can pretty much organize itself any way it wants, it becomes very complex when there are all these different rules. His suggestion would be that the Commission stay with a Vice Chair, and if the Vice Chair is not present, then one of the other persons could chair the meeting. The Commission also has to be concerned about its Merit Appeals Board, and who's leading at appeal hearings to rule on motions and such things.**

**Mr. Ben agreed that it would be simpler to establish a Vice Chair and Chair. As for how the Commission will operate, they can do another motion for that after acting upon that first.**

**MOTION: Ms. Chun moved to nominate Mr. Kaminaka as Vice Chair. The motion was seconded by Mr. Cohen and unanimously carried.**

**Mr. Kaminaka was selected to be Vice Chair for calendar year 2006.**

**MOTION: Mr. Cohen moved to postpone the selection of the Chair to the next meeting.**

**Mr. Ben asked whether the postponement would be to the next meeting or when the new member comes on board.**

**MOTION: Mr. Cohen amended the motion to postpone the selection of the Chair to when the Commission has at least four Commissioners present. The motion was seconded by Ms. Chun and unanimously carried.**

**B) Response from Director of Personnel on annual evaluation for the period ending June 2005.**

**Mr. Ben stated that he doesn't know if it's a response to the annual evaluation, but it is a response to the November 29, 2005 letter in which the Commission asked him to look at the areas identified as concerns.**

**The first area was communications with external customers. The survey indicate concerns from a significant number of respondents regarding Mr. Ben's personal demeanor and perceived attitude relating to communication with staff requests for assistance from other departments.**

**The Commission requested that Mr. Ben review with them some of the history and departmental policy for handling responses to such inquiries.**

**First of all, Mr. Ben doesn't have a formal departmental policy governing that. That being said, he does know, through his observation of the staff personnel, that every staff member knows and understands that they're here to assist the departments and agencies on HR matters. Each staff member knows and understands that they do this on a timely basis until there's a reason for mitigating circumstance; and every staff member knows to be respectful of its "customers." Every staff member knows too that when they don't feel comfortable answering a particular question because it's outside their expertise, they know to make the referral to the appropriate staff, and they understand everybody's responsibilities so that they can make the right referral.**

**Mr. Ben has advised the excluded managerial people, the top level managers, that he would have no issue with them if they found it necessary to be more stern in their dealings with the department representative when they deem appropriate. Mr. Ben's expectation would be along the same lines that he**

**follows himself; and for him, his personal demeanor or attitude, since it's being addressed, changes under the following circumstances: When the department asks for assistance on a subject matter that he has previously assisted them on more than once. The department has received training from Civil Service and him, in particular, on how to perform the work and how to handle certain matters and issues that arise, yet the department still calls. They have not checked policies and procedures that address their situation or concern. They want him to make decisions for them or explain what else they need to do. They made the same errors before and once again are looking at Civil Service to bail them out. They immediately call Mr. Ben when a situation arises without doing any homework whatsoever. Mr. Ben knows that they have been fishing for a favorable response from other staff members. The department thinks that they don't talk to each other in Civil Service.**

**So, for Mr. Ben, he can say that when he's faced with those situations, he is not very happy; and he will admit that his tone and intonation express his displeasure. He's told the EMs that if they're faced with the same situation, they can call the departments on it, because the departments do it all the time. Mr. Ben's staff has a hard time because that's not their demeanor. He has instructed the EMs that their basic policy is to help the departments out as much as possible, but in certain circumstances when it's going beyond what is reasonable, they can cut them off or tell them that the answer is in the procedures, or that the department should be doing this themselves.**

**Mr. Ben has advised the EMs that they need to be timely; that when they can't meet deadlines or when they can't be timely, they have to advise and explain to the departments why. It's always important to keep the departments on board as to what's happening.**

**The EMs have also been advised not to hold on to a document if they receive one from the department that is incomplete. Send the whole thing back. Mr. Ben has been called to task before the Mayor on occasion saying "so-and-so said it's with your department." Mr. Ben had checked and found that the department**

had not provided the information required, but the document actually was with Civil Service. Therefore, Mr. Ben has told the EMs to send it back. It's not Civil Service's responsibility. Civil Service works on the complete document. Mr. Ben doesn't know if that's an issue with the departments or not, but that's basically what Civil Service does with inquiries and documents that come in.

Mr. Cohen commented that this process has gone on over months now, and there was a feeling, at least for him, that this delegation of responsibility to departments is really critical and that they, for whatever reason, create a culture of somebody being responsible, which is what he's hearing here, and which he thinks is good. Mr. Cohen asked whether Mr. Ben has a plan to implement his thoughts.

Mr. Ben stated that there's nothing in terms of delegating things to departments. They've done it on a case by case basis, and it's not a real delegation. When they work with departments and they're having issues, whether it be staff issues or other issues, they ask the department to do certain things. For example, with Fire tests, they ask Fire to help staff the test because Civil Service may not have enough bodies. They work along that line.

There are some other things that Mr. Ben wants to delegate, but there's hesitancy on his EMs, and that's just something that they're going to have to get over. It's one of those control issues, the fear of losing control, if you let something go. An example is with the Police Department recruitments. Police only recruits for Police, so why can't Police go out and recruit? Or why can't Police check the paperwork rather than Civil Service doing the paperwork? That's just one example of what could be done.

Mr. Ben has instructed his EMs also that when the answers are out there, when they've issued policies and procedures and there's a collective bargaining agreement, refer the departments back to those things to get them into the habit of checking the answers that are there.

Mr. Cohen stated that maybe delegation wasn't the right word. Basically, after Mr. Ben has spent time and talked about

something like the selection process, as an example, what to do, the stages of the selection process, who interviews, etc., and the department still comes back with questions regarding that, that becomes the department's responsibility. He personally thinks that the department would want to bring in Civil Service when they've reached a point where something is not solvable.

Mr. Ben stated that they adhere to that concept. Departments should be doing whatever they need to, because they're not one big company. They're actually 17 different companies all doing different things, so the best people to resolve their issues is down there (at the department). Civil Service is there to assist when necessary, when the department gets stuck, or something really comes up. An example is in labor relations when a grievance can't be resolved and it goes up to the Mayor's level, which is Civil Service. They'll work with the Union and tell them there's an area where they can compromise. They send it back to the department and advise the department to settle it. They tell the department "this is what we see, and we think you can solve it." It's better if the department solves it, because the employees have more respect for the department if the department does it rather than being overturned by Civil Service all the time. Again, it's a culture thing, and they adhere to that.

The other thing that now occurs is that the departments want to say "Civil Service said." They have had top level managerial employees say "Civil Service said I needed to terminate you" when they had been so advised. This is prevalent throughout the County. They're looking for somebody else to take responsibility, and it's always Civil Service.

With Civil Service, it's service first. However, if they continue to have problems with a department, Mr. Ben has, in fact, talked to department heads about their personnel, just as he expects them to do with him when they have issues with Civil Service. But generally he thinks that 90% of the time, or even 95% of the time, his staff is careful and helpful. However, like everything else when something bad happens, that's the one that makes the big news.

**Vice Chair. Kaminaka asked whether the discussions are documented.**

**Mr. Ben stated that he doesn't keep records of it, as he doesn't think there's any purpose in doing so.**

**In answer to Vice Chair Kaminaka's inquiry on personnel rules, Mr. Ben confirmed that each department has a personnel manual, and they have also been instructed to file the policies and procedures in there as well. Part of the policy may instruct the departments to develop its own procedures on what happens when something occurs, i.e., workplace violence procedures.**

**Mr. Ben explained that there are human resource professionals in six of the departments, referred to these as the Big 6 - Fire, Public Works, Environmental Management, Police, Parks and Recreation, and Water Supply. The smaller departments have a designated personnel person, and that could be a secretary, account clerk, or another position. Mr. Ben doesn't take issues with the smaller departments, but he does take issue with the human resource professionals out there.**

**Quarterly personnel meetings are held for the purpose of ensuring that everyone is operating from a common framework.**

**As standard instructions, written communications with departments include a statement on whom to call at Civil Service with questions.**

**Vice Chair Kaminaka asked the Commissioners how they should incorporate Mr. Ben's responses with the upcoming survey they're doing this year.**

**Mr. Cohen stated that he doesn't think they need to start it from scratch. If anything, this is just a tool used in the process. What's happening here in communication is what's really important. They need to take what they already have, fix it, and make it simpler. When the questionnaire goes out to a list of people, there should be some expectation that everybody respond to that questionnaire, because it's critical. They didn't know where**

**the questionnaire was coming from, whether from people who were just upset, or whether half of the people responded just had an axe to grind. The questionnaire needs to be simple, and it shouldn't be intimidating. They need to work with the Managing Director or Mayor to have some assurance that they're going to have feedback from at least the department heads.**

**Mr. Ben asked to be allowed to continue with his response to the concerns before getting into a discussion on the above.**

**The next issue was policy, direction. Concerns were expressed about an explanation of Civil Service departmental policies, with some respondents apparently feeling that some memos on policy were not clearly and concisely written so that they could be easily understood.**

**Mr. Ben stated that it's not fair to accept this statement as fact without knowing which policies the departments are referring to. The only way it would work is if the Commission were to give Mr. Ben instructions to go back and make it clear, which means he would have to review each and every policy to figure out why it's not clear and whether that is the one that's not clear. That, however, would be an unrealistic instruction. If someone says they have a concern with a certain policy, and expresses why, Mr. Ben can review it and figure out the elements.**

**Mr. Cohen stated that from his viewpoint when writing an interpretation, ask yourself, who am I sending it to? Who's the audience, and are they going to understand it? It's just a matter of being conscious.**

**Mr. Ben agreed and stated that he has consistently and constantly reminded the EMs to remember who the audience is. Don't use acronyms without at least first spelling out the acronym. Mr. Ben has also instructed them to make sure they just give the departments the information they need to know. Don't go off on tangents and keep adding on explanations. What is it you're trying to convey? Look at it that way.**

**The other instruction is not to make assumptions when writing. Don't assume the reader knows certain things. Again, that's standard operating procedures. All the EMs are smart enough to know that when a lot of questions start coming in, there's something wrong, and perhaps the document may require corrections.**

**Mr. Ben has asked the managerial staff to write and issue procedures, with his review limited to the substance. This was a change to his own procedures, because quite frankly the EMs were taken aback by the many changes he had previously made on their work. Mr. Ben used to correct verb uses, sentence and paragraph construction, visual appearance, and the flow to procedures. They got back a paper with more red ink than black ink. Several of the EMs were taken aback by that, so Mr. Ben had decided to let them go. They are professionals; they are supposed to issue it. However, because of the Commission's concern, he explained to them that everything's going to get his scrutiny again.**

**In addition to that, Mr. Ben is going to discuss the feasibility of all their procedures being sent out to the departments in draft form. They've done that in the past with real complex ones, ones that he knew would cause a lot of concerns. He'll discuss it with the deputy first.**

**The next area was need for staff development. A number of responses indicated the need for the department to increase staff training to enhance job skills and create possible opportunities for promotion and advancement.**

**On that issue, the Commission is preaching to the choir. They understand that. In response to that, Mr. Ben doesn't ever remember disapproving any request for training, but he has discouraged people from taking certain courses if it wasn't within their scope of duties and responsibilities. On the other hand, he's asked division chiefs about attending certain training or sending staff to training, and he's gotten mixed responses where he's wanted to increase the scope of responsibility by providing training and has had a response like "are we going to get paid more for it?" which he immediately nixed right there.**

**One thing that the whole department recognizes is the importance of cross training on various HR competencies and staff training at the staff support level. The obstacle that they need to overcome is to develop the appropriate training that doesn't affect the delivery of services. This is primarily because training requires on-the-job experience and learning. It's not just entry-level type occupations in this department.**

**Mr. Ben has asked the EMs to look at this issue and suggest methods by which cross training can occur within the department, but they have yet to devise any methodologies to employ. One thing Mr. Ben is going to suggest to the EMs is to assume the work of other EMs. For example, if Ms. Cabanas is doing a particular recruitment, have another EM be responsible for doing the recruitment, and learn through Ms. Cabanas. Ms. Cabanas would mentor that person. Ms. Cabanas could then work on a particular grievance learning from the Labor Relations specialist what's involved in doing that. Mr. Ben needs to see if the EMs would be open to that idea, but that's one thing he's looking at in terms of cross training them.**

**Again, they are HR professionals. In addition to on-the-job training, there are classes out there just to understand basic things, the knowledges that are needed for certain functional areas for HR. If a person doesn't normally deal with benefits, for instance, there are a whole lot of courses dealing with all the different kinds of leaves, the family leaves, and disciplining employees. Whether or not the person signs up for it is a matter of individual choice.**

**Mr. Cohen stated that a lot of the training and development comes down to having an evaluation process. It's important to identify, keep it positive if you can. He suspects there are employees that have been in very high level positions for a long period of time that are not really expanding their field of knowledge. Somewhere along the line, whether it be the Mayor or the Managing Director, the Director of Civil Service or department heads, someone needs to make an issue of that. It's so critical. Job descriptions area also important that prudently identify what skills**

**or knowledges are needed to do the job. If they don't do it, then they're not meeting the expectations for the job.**

**Vice Chair Kaminaka commented that the area of cross training becomes valuable when there are a limited resource of people. Vice Chair Kaminaka asked whether Mr. Ben plans on having more staffing.**

**Mr. Ben reported that he did not put in any requests for additional staffing.**

**The last area is delegation of responsibilities to departments, and the basic question was if the departments Mr. Ben works with believe there is an issue involving how much is actually done for them by his department, what barriers exist and what needs to be done, in addition to leadership training to improve the situation?**

**Mr. Ben stated that he was a little confused on that question, but explained that he doesn't see an issue with the delivery of services. This is basically because in the past they've worked with departments. When departments have had issues or when they wanted additional services or they wanted Civil Service to pursue something, Civil Service would always sit down with them to figure out how it could be accomplished and what they could do for them. Therefore, Mr. Ben doesn't know specifically what barriers there are to that process. The only barrier he can think of is for whatever reason it never comes to Civil Service's attention from the departmental level. If departmental representatives are working on something and people think Civil Service is not conducive to what they want and can't help them out, Mr. Ben would think that they would go to their department head and bring it up. If the department head thinks it's something that needs to be pursued, then they could come in and talk to Mr. Ben. Mr. Ben has done the same thing where he has talked to Corporation Counsel and asked Corporation Counsel to please not interpret the contracts for the departments. That's an issue for Civil Service, not Corporation Counsel.**

**Again, Mr. Ben doesn't really know what barriers are referred to about their delivery of services because they're always open to**

**discussions. Granted, they might not resolve the issue, but this could be because of the lack of staffing, money, or that it can't be done under the law or under the collective bargaining contract. There's always that exception, but they're always open to discussing what else they can do. Mr. Ben doesn't think anybody's taken issue that they're not doing something for them.**

**Mr. Ben offered a couple of suggestions to the Commission's previous question on what they will do about the next evaluation.**

**Respondents should be obligated to provide a specific example to any "allegations" (for lack of a better word) that are made. That way, Mr. Ben can respond better.**

**Be sure that the respondents understand that this questionnaire only covers a specific period of time. A lot of things that were brought up are historic and are perceptions from way back when. Therefore, the Commission needs to make it very clear as to the period being covered in the evaluation. Anything that falls within this period is fair game. No bringing up the old unless of course it's continuing.**

**If the Commission is still going to allow people not to identify themselves, then perhaps a generic description should be requested, such as whether the person is support personnel, professional, or an executive. It just lends some credibility and some understanding to what the particular issue is with them.**

**Mr. Ben noted that it was very difficult to respond to all the different things that came up because he didn't know what was specifically being mentioned. Therefore, he could only respond in generalities.**

**Vice Chair Kaminaka requested a copy of Mr. Ben's comments. Mr. Ben responded that he'll have Ms. Menezes email it to the Commissioners.**

**Mr. Ben noted that they were supposed to, back in June, have discussed expectations for the next evaluation year; and they're still not sure what the expectations are because they're still trying**

to work them out. Maybe part of the consideration is how much the Commission wants to evaluate.

Vice Chair Kaminaka noted that the main part about this process is working together the way they are. The key factor is communication.

Mr. Cohen stated that he appreciates the evaluation process, which should be a positive process. He has a better understanding of Mr. Ben's position and the department.

### **NEW BUSINESS**

**Communication No. 06-02**, petition of appeal, received December 12, 2005, from Dylan R. Stephens, appealing the hiring process for the Geographic Information System Analyst I.

Mr. Ben noted that it should be an all-day hearing once the Commission gets into the merits of the case; but he knows there's going to be an issue on jurisdiction because basically the appellant is saying that he's being discriminated against, and the Commission doesn't have jurisdiction over discrimination.

The hearing was scheduled for February 21, at 10:30 a.m. following the meeting at 9:30 a.m.

### **DIRECTOR'S REPORT**

Mr. Ben reported the following:

1) He had his budget review with Finance came out intact with nothing changed. The big issue right now at the County is FRESH, which is a computerized payroll/HR system that's causing a whole amount of frustration with everybody who's involved. The department has spent \$10,000+ on overtime because of FRESH. Departments were instructed that overtime is a controllable expense, so they could not put it as an increase. However, Mr. Ben, at the budget review, informed Finance that FRESH

**overtime is not controllable. He asked for \$29,000 for next year in his supplemental budget request. What was surprising was that Finance told him that he should consider adding staff. However, Mr. Ben was not prepared to ask for staff because he knew that it's not the administration's position. This is a bigger picture involving all the different departments, and Mr. Ben is having a meeting with the Mayor and Managing Director on these concerns.**

**Mr. Cohen noted that there is always pain and suffering involved whenever changing computer systems, and it is usually short term.**

**Mr. Ben responded that he's been trying to analyze it for the last year-and-a-half that it's been in place, and staff is now advising that this situation is almost becoming permanent. The computer system is supposed to make the departments more efficient, not create more work.**

**Finance agreed that lot of the work the departments are doing is really payroll. Mr. Ben stated that the departments don't do payroll. The County has a whole section on payroll in the Finance Department. Because Mr. Ben has such good staff who can't say no and want to assist, the result is that they're working overtime on the regular work.**

**The other pitch Mr. Ben made was for the supplemental budget request, which is \$150,000. \$62,000 of it is for safety training, \$26,000 is overtime for FRESH. Everything else is for minor, operational things.**

**2) Mr. Ben is submitting to the Mayor a legislative package for rehiring retirees so that they don't lose their retirement benefits.**

**The trend is that we're going to have more older people than younger people, and the County is having difficulty filling positions. A lot of people have been hired back in their old job, which Mr. Ben doesn't think is right. The jobs should be opened up. There is no hiring advantage with this legislation; a person still must go through the civil service process. However, if the**

retiree is hired, the retiree's benefits are not touched. That opens up all kinds of flexibility. Because the County won't be paying for the retiree's health insurance, the County can now hire part-time employees, the County can do job sharing--half-day for the retiree, and since the retiree won't be worried about health benefits, the health benefits can be given to the other person.

Mr. Ben is waiting to see what ERS is going to say about what the effect will be. The State is submitting similar legislation, but it's only for their hard-to-fill positions, whereas Hawaii County's is for any position.

3) With the New Year and new deputy, Mr. Ben is changing the focus on their responsibilities. The deputy will be responsible for running the shop, the day-to-day things. Mr. Ben has defined his role to the staff as more of a consultative role to discuss with staff any issues and problems, to work things out and solve them rather be involved in the nitty-gritty things--not to say he won't get involved if need be. He sees that as more the executive's role. The deputy will keep Mr. Ben apprised, and he will have regular meetings with the deputy to keep current on what's happening with the department. Mr. Ben wants to work more with the department heads and change issues--big issues, global issues.

Vice Chair Kaminaka asked if the deputy should be at future Commission meetings, to which Mr. Ben responded that it depends on what the topic is. Vice Chair Kaminaka noted that if Mr. Ben is updated regularly by the deputy, Mr. Ben can report events to the Commission.

In response to Vice Chair Kaminaka's question on the pursuit for two more Commissioners, Mr. Udovic noted that Corporation Counsel is working on the matter.

#### NEXT MEETING DATE

The Commission scheduled its next meeting for February 21, 2006 at 9:30 a.m., followed by Mr. Dylan Stephens' appeal hearing at 10:30 a.m.

**ADJOURNMENT**

**The meeting adjourned at 11:09 a.m.**

**Submitted by,**

**Secretary, Civil Service Commission**

**APPROVED:**

**Clifford Kaminaka  
Vice Chair**

**vym**